

UNCLASSIFIED

WAR DEPARTMENT  
OFFICE OF THE ASSISTANT SECRETARY OF WAR  
STRATEGIC SERVICES UNIT

25th & E STREETS, N.W.  
WASHINGTON 25, D.C.

INT 732/1

139

16 July 1946

MEMORANDUM

FOR: General Vandenberg

SUBJECT: Notes on Mr. Clifford's Review of  
Proposed Legislation for CIG

why?

1. The proposed bill in question was drafted on short notice as a basis for discussion of the points involved. There was no opportunity for review by draftsmanship experts, so Mr. Clifford's remarks provide necessary editing if the bill is to be used in present form. His major points are discussed below. His minor comments will be set forth in a separate paper.

(1) Mr. Clifford feels that there is ambiguity in the use of the word "intelligence" with various qualifying adjectives or clauses, and fears the effect of this ambiguity as possibly raising suspicion that there will be attempts to control agencies outside the United States.

It was felt in drafting, that the declaration of policy definitely stated the position CIA to be in the field of foreign intelligence alone. However, any possible ambiguity may be overcome by adding a section entitled "Definitions", in which would be defined "intelligence" as used in the Act. Such a definition is being drafted, and may be inserted if thought appropriate.

(2) Mr. Clifford states that the purpose or reason for the NIA is not set forth. We agree that there should be a sentence or section inserted stating the functions and duties of NIA in more detail. Such a statement is being prepared.

(3) Mr. Clifford believes the Bill does not provide for a Director or status title, or create an Office of the Director.

Section 2(a)(1) states: "The Director of the Central Intelligence Agency, hereinafter

(Phonographic Paper, Log. Hist. of USA 9 1947, Folder "CIG Enabling Act," apparently original.)

DECLASSIFIED  
Authority: NND 853 117

UNCLASSIFIED

UNCLASSIFIED

INT 732/2

-2-

16 July 1946

provided for, shall sit, etc.". Section 2(b) states: "There is hereby established a Central Intelligence Agency \* \* \* with a Director who shall be the head thereof, \* \* \*". This section further states the method of appointment, salary, etc. It is felt that this adequately provides for and identifies the Director and his Office.

(4) Mr. Clifford states the Bill is self-contradictory as Section 2(d) states that other agencies shall not be affected by the establishment of CIA, whereas 2(e) provides that other agencies are directed to make their facilities available to CIA. A complete reading of Section 2(d) states that the "responsibility and authority of \* \* \* other agencies \* \* \* shall not be affected, except to the extent that the agency may relieve them of such authority and responsibility pursuant to the provisions of Sub-section (c)". We believe in view of the specific authorization in 2(d) to relieve other agencies, there is nothing contradictory in the provision of 2(e).

(5) Mr. Clifford notes that Section 2(b) refers to "United States Air Force", and questions use of this term. It is agreed that technically there is now no such named entity. The wording was used in view of the contemplated adoption of the Merger Bill which uses such term. If it were not inserted at this time, the Bill might have to be amended on adoption of the Merger Bill. If continued objection is made, deletion of this phrase would have no effect on the Bill at this time.

*Lawrence R. Houston*  
LAWRENCE R. HOUSTON

UNCLASSIFIED

UNCLASSIFIED

#232

INT 732/3

SUPPLEMENTAL MEMORANDUM

Specific Comments of Mr. Clifford  
on Proposed Legislation for  
CIA

1. Page 1, line 5. "Findings and declaration" is apparently a standard phrase in such an enabling act. The first two sentences we believe are findings. However, no objection to deletion of the word "findings and".
2. Page 1, line 6. The phrase as stated "interim period between" is redundant. Recommend omission of the word "interim".
3. Page 1, line 7. "Foreign intelligence" means "foreign intelligence". We believe there is no ambiguity but see remarks on a definition section in basic memo.
4. Page 1, line 9. "Elected representatives" is a standard phrase in legislation. It is the people, Congress and the President of the United States who are to be informed. It is merely that they delegate the functions of information to non-elected persons.
5. Page 1, line 11. We believe it is inherent that foreign intelligence is meant here. If ambiguous, insertion of the word "foreign" may be proper, and see remarks on a definition section in the basic memorandum.
6. Page 1, lines 15 and 16. The phrase "processing, analysis and dissemination" may be difficult, but it is felt most important to include the separate and distinct functions in the declaration of policy. We feel "acquisition and analysis" could be construed so as to seriously hamper the agency's operations.
7. Page 1, line 17. We would prefer to retain the wording "offices and departments", as in our opinion it more clearly sets forth the dissemination mission

UNCLASSIFIED

125

UNCLASSIFIED

INT 732/4

-2-

of the agency. The agency is to serve certain departments and incumbents of official positions not officials personally.

8. Page 1, line 20. Agree the phrase "carry out the policies" would be preferable to the more labored use of the word "effectuate".
9. Page 1, lines 23 and 24. No objection to the suggested deletion.
10. Page 1, lines 25 and 26. The word "research" was a last-minute insertion and we believe an important one, but suggest re-wording the sentence to read "a program for research on foreign intelligence matters, and the analysis and evaluation of all such intelligence received".
11. Page 2, lines 1 through 3. The word "dissemination" is a technical term with definite meaning in the intelligence field. We favor its retention. The word "accurate" may be unnecessary, and we have no objection to its deletion, but feel it emphasizes the importance of proper dissemination. Again, we favor retention of the words "offices and departments" instead of "officials" as in #7 above.
12. Page 2, lines 4 through 7. No objection to the suggested phrase with minor change, to read "a program for the procurement of all available, etc." but we believe that such a program would merely serve to "promote" the national defense, and could not be held responsible for "ensuring" it.
13. Page 2, line 11. No objection to the suggested deletion, except the word "of" should be retained.
14. Page 2, lines 12 and 13. No objection to changing this sentence to read "the Secretary of State, the Secretary of War and the Secretary of the Navy shall be".

UNCLASSIFIED

156

UNCLASSIFIED

-3-

INT 732/E

15. Page 2, lines 21 and 22. Agree that the suggested change is proper.
16. Page 2, lines 22 through 24. Agree there is little question on this point, and no objection to deletion of the sentence as suggested.
17. Page 3, line 7. The phrase is redundant, and we agree that deletion of "in this Act" would be proper.

NOTE: In the draft of the Bill in our possession, in Section 2(a)(1) where the last sentence refers to the Director of CIA, the word "agency" is omitted. Request the current draft be checked for this omission.

UNCLASSIFIED

657